

Kenneth R. Davis II, OSB No. 971132
davisk@lanepowell.com
LANE POWELL PC
601 SW Second Avenue, Suite 2100
Portland, Oregon 97204-3158
Telephone: 503.778.2100
Facsimile: 503.778.2200

Attorneys for Plaintiff Chevron U.S.A., Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

CHEVRON U.S.A. INC.,

No. 1:10-CV-3063-CL

Plaintiff,

v.

PELICAN BUTTE OIL, LLC, an inactive
Oregon Limited Liability Company,

**DECLARATION OF KENNETH R.
DAVIS II IN SUPPORT OF
PLAINTIFF'S MOTION FOR ENTRY
OF DEFAULT**

Defendant.

I, Kenneth R. Davis II declare and testify as follows:

1. I am counsel for Plaintiff Chevron U.S.A., Inc. ("Chevron" or "Plaintiff") in the above-captioned matter and submit this declaration based on personal knowledge.
2. On July 15, 2010, Chevron filed the Complaint in this case against Defendant Pelican Butte Oil, LLC ("Defendant"). (Complaint, July 15, 2010, ECF No. 1.)
3. Defendant Pelican Butte Oil, LLC was served with a copy of the Summons and Complaint by personally delivering same to the office of the registered agent for service of process on July 20, 2010, and then by mailing same to the office of the registered agent on

PAGE 1 - DECLARATION OF KENNETH R. DAVIS II IN SUPPORT OF PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT

July 21, 2010. (See Affidavit of Service of Complaint, upon Pelican Butte Oil, LLC, ECF No. 6).

4. More than 21 days have elapsed since the date on which service of the Summons and Complaint was effected.

5. Defendant has failed to answer or otherwise respond to the Complaint, or serve a copy of any answer or other response upon Chevron's attorneys of record.

6. Neither Chevron nor the Court have granted Defendant any extension of time to respond to this Complaint.

7. On November 5, 2010, I sent a letter on behalf of Chevron to Defendant (by overnight delivery), informing Defendant that Chevron intended to file a motion for default if an answer or appearance was not filed by Defendant by November 10, 2010. A true and correct copy of the November 5, 2010, letter and confirmation of delivery by UPS is attached hereto as Exhibit 1.

8. Attached to my declaration as Exhibit 2 is a true and correct copy of the November 8, 2010, e-mail from the registered agent for Defendant.

9. Attached to my declaration as Exhibit 3 is a true and correct copy of a title search showing that ownership of the property is still vested in Pelican Butte Oil.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 11th day of November, 2010.

s/Kenneth R. Davis II

Kenneth R. Davis II

PAGE 2 - DECLARATION OF KENNETH R. DAVIS II IN SUPPORT OF PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT

CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2010, I caused to be served a copy of the foregoing DECLARATION OF KENNETH R. DAVIS II IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT on the following person(s) in the manner indicated below at the following address(es):

Matthew Sutton, Registered Agent for
PELICAN BUTTE OIL, LLC
205 Crater Lake Avenue
Medford, OR 97502

- by **CM/ECF**
- by **Electronic Mail**
- by **Facsimile Transmission**
- by **First Class Mail**
- by **Hand Delivery**
- by **Overnight Delivery**

s/Kenneth R. Davis II

Kenneth R. Davis II

PAGE 3 - DECLARATION OF KENNETH R. DAVIS II IN SUPPORT OF PLAINTIFF'S
MOTION FOR ENTRY OF DEFAULT